UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,076	08/28/2003	Michael Grannan	1033-SS00415	7264

84326   7590   08/25/2010
AT & T LEGAL DEPARTMENT - Toler
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINISTER, NJ 07921

EXAMINER
GREGG, MARY M

ART UNIT	PAPER NUMBER
3694	

MAIL DATE	DELIVERY MODE
08/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/651,076	GRANNAN ET AL.
	Examiner	Art Unit	
	MARY GREGG	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _22 June 2010_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18,22-24,29-41,50,51 and 53-62_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-10, 16-18, 22-24, 50-51 and 53-62_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _06/22/2010_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   The following is a Final Office Action in response to communications received June 22, 2010. Claims 19-21, 25-28, 42-49 and 52 have been canceled. Claims 11-15 and 29-41 have been withdrawn. Claims 1, 4, 6, 16 and 50 have been amended. No new claims have been added. Therefore, claims 1-10, 16-18, 22-24, 50-51 and 53-62 are pending and addressed below.

Response to Arguments/Amendments

Claim Rejections - 35 USC § 103

2.   In the remarks the applicant argues(1) that the prior art Shaw in view of Maurad fails to teach or suggest with respect to claims 1-7 and 53-57 sending, to a content provider distinct from a content broker system and a media device, a list of two or more media formats that are compatible with the media device (2) that the prior art Abburi fails to teach or suggest with respect to claims 8-10 and 59-60, sending device profile information regarding a subscriber media device, where the device profile information specifies two or more media formats that are compatible with the subscriber media device, (3) that the prior art combination Wang in view of Mourad with respect to claims 16-18, 22-24, 50-51 and 61-62, fails to teach or suggest a content broker storing a device profile in memory, where the device profile includes information indicating an amount of memory available at a subscriber media device, (4) that the prior art combination Shaw in view of Maurad and Abburi fails to teach or suggest with respect to claim 58 a device profile table.

In response to argument (1) that the prior art Shaw in view of Maurad fails to teach or suggest with respect to claims 1-7 and 53-57 sending, to a content provider distinct from a content broker system and a media device, a list of two or more media formats that are compatible with the media device, the examiner respectfully disagrees. With respect to the argument that Shaw does not teach "content provider distinct from content broker system", Shaw teaches an administrative engine that is accessed by administrative users and teaches an application broker is installed into the system which maintains a "shared database" for each user of the system for each application server and program. As broadly interpreted by the Examiner is the application broker is installed then the application broker exist outside the system which fairly suggest separation of the content provider from the content broker system. The prior art provides a "universal application server" see Col 4, which fairly suggest multiple brokers utilizing the broker application distribution system.

Furthermore, upon review of the applicant's written description, the applicant cites a broker hosting service which manages brokering content and includes multiple servers and management of content usage. How does this differentiate from the teachings of Shaw's application broker distribution system of which the application is installed? How does the applicant define distinct in the disclosure different from what the applicant has described in pages 3-5 and page 7-8 and the teachings of the prior art Shaw? The rejection is maintained.

With respect to a list of two or more media formats, Shaw explicitly teaches Col 4:

"The user chooses which **applications to run**. This information is passed from the display engine running on the client device to the universal application server **The universal application server, using information stored in the database determines the location of the application program and communicates using industry standard protocols with the appropriate application server**.

The application broker also arranges to create an instance of the appropriate protocol engine to handle the specific protocol used for **a number of applications, such as X-windows applications**. It also downloads a suitable display engine to the client device to interact with the user. The protocol engine takes output requests from the **application program and converts them into a form that is suitable for use by the downloaded display engine**. *(which fairly suggest multiple formats)* This information is then forwarded to the display engine where it then converts the information into a form suitable for display within the client device environment. The user interactions with the display engine and the result of these actions (typing, mouse manipulation etc.) are transmitted to the protocol engine.

Mourad teaches: a carousel format package (see Fig. 20) and teaches in

Col 8 lines 25 V.D, Col 9 lines 50-67 - Col 10 lines 1-10

The Secure Digital Content Electronic Distribution System is a technical platform that encompasses the technology, specifications, tools, and software needed for the secure delivery and rights management of Digital Content and digital content-related content to an end-user, client device. The End-User Device(s) include PCS, set top boxes (IRDs), and Internet appliances. These devices may copy the content to external media or portable, consumer devices as permitted by the content proprietors. The term Digital Content or simply **Content, refers to information and data stored in a digital format including: pictures, movies, videos, music, programs, multimedia and games.**

(78)   The technical platform specifies how Digital Content is prepared, securely distributed through point-to-point and broadcast infrastructures (such as cable, Internet, satellite, and wireless) licensed to End-User Device(s), and protected against

unauthorized copying or playing. In addition, the architecture of the technical platform allows for the integration and migration of various technologies such as Watermarking, compression/encoding, encryption, and other security algorithms as they evolve over time.

Col 11 lines 38-67:

The architecture is open regarding the nature of the Content and its format. Distribution of audio, programs, multimedia, video, or other types of Content is supported by the architecture. The Content could be in a native format, such as linear PCM for digital music, or a format achieved by additional preprocessing or encoding, such as filtering, compression, or pre/de-emphasis, and more. The architecture is open to various encryption and Watermarking techniques. It allows for the selection of specific techniques to accommodate different Content types and formats and to allow the introduction or adoption of new technologies as they evolve. This flexibility allows Content Provider(s) to pick and evolve the technologies they use for data compression, encryption, and **formatting within the Secure Digital Content Electronic Distribution System.**

The rejection is maintained.

In response to argument (2) that the prior art Abburi fails to teach or suggest with respect to claims 8-10 and 59-60, sending device profile information regarding a subscriber media device, *where the device profile information specifies* two or more media formats that are compatible with the subscriber media device. The examiner respectfully disagrees. As agreed by the client, the prior art Abburi explicitly teaches:

> **from the dictionary 28, and retrieves such digital content 12 from such input file and places the digital content 12 into a memory 29c such as a RAM or the like. An encoding filter 18b then performs encoding en the digital content 12 in the memory 29c to transfer the file from the input format to the output format according to the type of encoding specified in**

the dictionary 28 (i.e., .wav to asp, .mp3 to asp, etc.), (i.e multiple formats provided)

The applicant argues that the prior art does to provide device profile

information with respect to rendering the format. The examiner disagrees, the

prior art explicitly teaches:

> for providing a controlled rendering environment on a computing
> device such as a personal computer, where the rendering
> environment includes at least a portion of such enforcement
> architecture. Such **controlled rendering environment allows that
> the digital content will only be rendered as specified by the
> content owner,** even though the digital content is to be rendered
> on a computing device which is not under the control of the content
> owner.

which teaches and/or suggest that the rendered format is specific to an explicit

device.

Col 10 lines 26-43, 50-67-Col 11 lines 1-15:

> In the authoring tool 18, and as seen in FIG. 2, a source filter 18a
> receives the name of the input file 29a having the digital content 12
> from the dictionary 28, and retrieves such digital content 12 from
> such input file and places the digital content 12 into a memory 29c
> such as a RAM or the like. An encoding filter 18b then performs
> encoding en the digital content 12 in the memory 29c to transfer the
> file from the input format to the output format according to the type
> of encoding specified in the dictionary 28 (i.e., .wav to asp, .mp3 to
> asp, etc.), and places the encoded digital content 12 in the memory
> 29c. As shown, the digital content 12 to be packaged (music, e.g.)
> is received in a compressed format such as the .wav or .mp3
> format and is transformed into a format such as the asp (active
> streaming protocol) format. Of course, other input and output format
> may be employed without departing from the spirit and scope of the
> present invention.
>
> As should be understood, depending on the situation, the package
> 12p may include multiple streams of temporally aligned digital
> content 12 (one stream being shown in FIG. 2), where such
> multiple streams are multiplexed (i.e., `muxed`). Accordingly, a mux

filter 18e performs muxing on the header information and **encrypted digital content 12 in the memory 29c according to the type of muxing specified in the dictionary 28, and places the result in the memory 29c. A file writer filter 18f then retrieves the result from the memory 29c and writes such result to the output file 29b specified in the dictionary 28 as the package 12p.**

(54) It should be noted that in certain **circumstances, the type of encoding to be performed will not normally change. Since the type of muxing typically is based on the type of encoding, it is likewise the case that the type of muxing will not normally change, either. If this is in fact the case, the dictionary 28 need not include parameters on the type of encoding and/or the type of muxing. Instead, it is only necessary that the type of encoding be `hardwired` into the encoding filter and/or that the type of muxing be `hardwired` into the mux filter. Of course, as circumstance require, the authoring tool 18 may not include all of the aforementioned filters, or may include other filters, and any included filter may be hardwired or may perform its** <u>**function according to parameters specified in the dictionary**</u> **28,** all without departing from the spirit and scope of the present invention.

(55) **Preferably, the authoring tool 18 is implemented on an appropriate computer, processor, or other computing machine** <u>**by way of appropriate software**</u>. The structure and operation of such machine and such software should be apparent based on the disclosure herein and therefore do not require any detailed discussion in the present disclosure.

Note that the rendering is dependent upon the encrypted content and that the encrypted content format is chosen based on the source filter which teaches and or suggest device profiles incorporate format choices. The rejection is maintained.

In response to argument (3) that the prior art combination Wang in view of Mourad with respect to claims 16-18, 22-24, 51 and 61-62, fails to teach or suggest a content broker storing a device profile in memory, where the device

profile includes information indicating an amount of memory available at a subscriber media device, Applicant's arguments with respect to claims 16-18, 22-24, 50-51 and 61-62 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's arguments with respect to claim 50 have been considered but are moot in view of the new ground(s) of rejection.

In response to argument (4) that the prior art combination Shaw in view of Maurad and Abburi fails to teach or suggest with respect to claim 58 a device profile table, the examiner respectfully disagrees. The prior art Shaw explicitly teaches the client devices are authenticated against a database and teaches explicitly the information is stored in the database with respect to the client device and authorized applications - See Col 4. The prior art Mourad explicitly teaches:

> End-User Devices(s) 109 keep a copy of the revocation lists on the End-User Devices(s) 109 so they can use it as part of the Electronic Digital Content Store(s) 103 digital certificate validation. Whenever the End-User Devices(s) 109 receives a License SC(s) 660 **it determines whether a new revocation list is included and if so, the local revocation list on the End-User Devices(s) 109 is updated.**

> Before transmitting the Content SC(s) 630 to the End-User Device(s) 109, analysis and verifications are performed on the End-User's request. **A database is kept of all of the License SC IDs that have been used to download Content 113. This database can be checked to ensure that the End-User Devices (s) 109 only makes one request for each piece of Content 113 purchased**. This prevents malicious users from repeatedly accessing the Content Hosting Site(s) 111 in hopes of slowing down the Content Hosting Site(s) 111 and prevents unauthorized download of the Content SC(s) 630. – Col 73 lines 32-43)

Whether the End-User Device(s) 109 is a Personal Computer or a specialized electronic consumer device, it has to be capable of performing these base functions. The End-User Device(s) 109 also provides a variety of additional features and functions like creating play lists, managing the digital content library, displaying information and images during content playback, and recording to external media devices. These functions vary based on the services these applications are supporting and the type of devices the applications are designed for.-Col 88 lines 39-54)

See Col 89 lines 63-67,

The use of the Content 113 by the Player Applications 195 on End User Devices(s) 109 is logged into a database such as the License Database 197 – see Col 95 lines 55-67.

The rejection is maintained.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

the subject matter of the various claims was commonly owned at the time any

inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of

35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

5.   **Claims 1-7 and 53-56 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over US Patent No. 6,362,863 B1 by Shaw et al. (Shaw), and

further in view of US Patent No. 7,213,005 B2 by Maurad et al (Mau).

In reference to Claim 1:

Shaw teaches:

         (Currently Amended) A content broker system comprising: memory to

store a device profile table accessible by a content broker module ((Shaw) in at

least FIG. 1, FIG. 2; Col 4 lines 10-25, 45-50, Col 6 lines 50-55)... and a content

broker process server including the content broker module ((Shaw) in at least

abstract; FIG. 1, FIG. 2, FIG. 7B; Col 4 lines 5-40, Col 6 lines 1-10, Col 9 lines

15-25, 55-67); the content broker module to: send to a content provider that is

distinct from the content broker system and the at least one media device,

((Shaw) in at least Col 9 lines 15-25, 30-54, Col 12 lines 20-40)...; receive media

content in a particular media format from the content provider, wherein the

particular media format is selected by the content provider from the two or more

media formats ((Shaw) in at least col 12 lines 19-50);...

Shaw suggest:

         ..., the device profile table including information identifying at least one

media device associated with a user account and a list of two or more media

formats that <u>are compatible with</u> the at least one media device ((Shaw) in at least

FIG. 2, FIG. 4; Col 3 lines 50-63, Col 4 lines 15-25, 45-50, Col 5 lines 5-20, 55-

67, Col 9 lines 1-9, 30-54, Col 10 lines 1-10);... the list of two or more media

formats that <u>are compatible with</u> the at least one media device wherein the list is

retrieved from the memory ((Shaw) in at least Col 9 lines 15-25, 30-54, Col 12

lines 20-40)... and receive a digital rights license key from the content provider,

the new digital rights license key enabling use of the media content .((Shaw) in at

least Col 8 lines 55-65, Col 9 lines 5-14, 30-35).

Mau teaches:

... the device profile table including information identifying at least one

media device associated with a user account and a list of two or more media

formats that <u>are compatible with</u> the at least one media device... the list of two or

more media formats that <u>are compatible with</u> the at least one media device

wherein the list is retrieved from the memory ((Mau) in at least Col 8 lines 25

V.D, Col 9 lines 50-67 - Col 10 lines 1-10, Col 11 lines 38-67) ... and receive a

digital rights license key from the content provider, the new digital rights license

key enabling use of the media content ((Mau) Col 10 lines 19-20, 23-28) in

response to a subscriber request, the new digital rights license key to authorize

the set of new usage rights)

While the prior art Shaw does not explicitly teach application formats

compatible with respect to the devices accessing the applications. The prior art

does teach that the applications are downloaded for usage which fairly suggest

that the applications format are compatible. The prior art Mau teaches in at least

Col 11 lines 38-67 that media distributions comes in various formats in order to

distribute different content nature, provide additional preprocessor (filtering,

compression, etc...) and to allow for accommodating different content types to

allow the introduction of new technology, which provides some teaching,

suggestion, or motivation (i.e. applying a known technique to a known device

(method, or product) ready for improvement to yield predictable results) in the

prior art that would have led one of ordinary skill to modify the prior art reference

or to combine prior art reference teachings to arrive at the claimed invention.

See MPEP § 214 3

Although the prior art Shaw does not explicitly teach receiving a digital

rights license key, the prior art does teach the broker authenticates use of

application against database information, and teaches a list of applications that

can be presented to the user for application access. Mau teaches the motivation

of license keys with respect to application usage so as to provide authorized

content to users. Therefore, it would have been obvious to one of ordinary skill in

the art at the time of the invention to combine the prior art teachings as there is

some teaching, suggestion, or motivation in the prior art that would have led one

of ordinary skill to modify the prior art reference or to combine prior art reference

teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 2:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see

rejection of claim 1 above), wherein memory further includes a media asset table

that includes data associated with the media content acquired for the user

account from a plurality of content providers, the data including, for each media

content item, a unique identifier, a title, a category, a media type, a media

characteristic, usage rights, a license key, a purchase date, a distributor

purchase ID, a distributor unique content ID, and a distributor identifier ((Shaw) in

at least abstract; FIG. 7B; Col 9, Col 8 lines 55-67. Col 11 lines 17-33. Col 14

lines 50-65; (Mau) Col 61 lines 20-22, FIG. 14, FIG. 23-24, FIG. 30-38)

In reference to Claim 3:

The combination teaches:

(Previously Presented) The content broker system of claim 2 (see

rejection of claim 2 above), further comprising a single sign-on identity service to

authorize access to the user account based on received single sign-on

authentication credentials, and to authorize access to the plurality of content

providers based on the received single sign: on authentication credential

.((Shaw) in at least col 4 lines 35-45, Col 8 lines 60-67, Col 9 lines 5-15, 30-35,

Col 13 lines 40-60).

In reference to Claim 4:

The combination teaches:

(Currently Amended) The content broker system of claim 3 (see rejection

of claim 3 above), wherein authorizing access to the plurality of content providers

includes: aggregating media content titles of media content available from the

plurality of content providers ((Shaw) in at least FIG. 1, FIG. 7B; Col 9 lines 3-
55), receiving subscriber request to access the media content; and sending an

access request to the content provider along with the list of two or more media

formats that <u>are compatible with</u> the at least one media device.((Shaw) in at least

FIG. 7A-B; Col 4, Col 5 lines 5-Col 6 lines 1-10)

<u>In reference to Claim 5</u>:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see

rejection of claim 1above), further comprising a network interface that uses web

services protocols to communicate with the content provider ((Shaw) in at least

FIG. 2, FIG. 4; Col 1 lines 45- 55, Col 4 lines 15-20, 45-60; (Mau) FIG. 6; Col 25

lines 60-61; (Mau) in at least Col 8 lines 25 V.D, Col 9 lines 50-67 - Col 10 lines

1-10, Col 11 lines 38-67).

(see rationale supporting obviousness and motivation to combine of claim 1

above)

<u>In reference to Claim 6</u>:

The combination teaches:

(Currently Amended) The content broker system of claim 3 (see rejection

of claim 3 above), wherein the content provider uses the single sign-on

authentication credentials to verify a user's information including the list of two or

more media formats that <u>are compatible with</u> the at least one media device

.((Shaw)in at least Col 4, Col 9 lines 15-25, 30-54, Col 12 lines 20-40; (Mau) in at

least Col 8 lines 25 V.D, Col 9 lines 50-67 - Col 10 lines 1-10, Col 11 lines 38-

67).

(see rationale supporting obviousness and motivation to combine of claim 1

above)

<u>In reference to Claim 7</u>:

The combination teaches:

(Previously Presented) The content broker system of claim 6 (see

rejection of claim 6 above), wherein the content broker module receives media

content information, the media content, and the digital rights license key in

response to a content purchase request by the user ((Shaw) Col 4 lines 32-40,

Col 8 lines 60-67, Col 9 lines 1-15, 30- 35, Col 11 lines 17-35, Col 13 lines 22-50;

(Mau) FIG. 6, FIG. 8-9, FIG. 10, FIG. 12; Col 43 lines 14-45, Col 44 lines 62-64,

Col 45 lines 49-52, Col 46 lines 18-20, 46-49, 62-63, 65-68)

<u>In reference to Claim 53</u>:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see

rejection of claim 1 above), wherein the memory stores a media asset table

associated with the user account, wherein the media asset table indicates usage

rights associated with media assets, the usage rights including a right to store the

received media content on at least one media device ((Shaw) in at least FIG. 2,

FIG. 4; Col 3 lines 50-63, Col 4 lines 15-25, 45-50, Col 5 lines 5-20, 55-67, Col 9

lines 1-9, 30-54, Col 10 lines 1-10; (Mau) Col 10 line 67, Col 11 lines 1-3, Col 14

lines 6-25)

In reference to Claim 54:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see

rejection of claim 1 above), wherein the memory stores a media asset table

associated with the user account, wherein the media asset table indicates usage

rights associated with media assets, the usage right including a right to store

received media content in the particular media format (.((Shaw) in at least Col 8

lines 55-65, Col 9 lines 5-14, 30-35; (Mau) Col 10 line 67, Col 11 lines 1-3, Col

14 lines 6- 25)

(see rationale supporting obviousness and motivation to combine of claim 1

above)

In reference to Claim 55:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see

rejection of claim1 above), wherein the memory is further to store a log of media

assets that are associated with the user account ((Shaw) in at least FIG. 1, FIG. 2; Col 4 lines 10-25, 45-50, Col 6 lines 50-55, Col 3 lines 50-63, Col 5 lines 5-20, 55-67, Col 9 lines 1-9, 30- 54, Col 10 lines 1-10 ;(Mau) Col 14 lines 6-10).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 56:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), wherein in response to a user request to reacquire a previously accessed media asset, the content broker module is further to provide to the third party content provider a license key obtained when the previously accessed media asset was purchased ((Mau) Col 14 lines 12-14, Col 10 lines 19-20, 23-28)

(see rationale supporting obviousness and motivation to combine of claim 1 above)

6.   **Claims 8 and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,966 B2 by Abburi et al. (Abb)**

In reference to Claim 8:

The combination teaches:

(Previously Presented) A method of distributing content, the method comprising: electronically sending, by a processor, a usage rights request requesting usage rights for a media asset ((Abb) Col 15 lines 22-23, Col 16 lines 6-12), wherein the new usage rights validate permission to play the previously accessed media asset at a second subscriber media device((Abb)in at least FIG. 25, Col 4 lines 18-50, Col 58 lines 35-45); sending device profile information regarding the subscriber media device, wherein the device profile information specifies two or more media formats that are compatible with the subscriber media device ((Abb) in at least FIG. 2; Col 10 lines 1-60-Col 11 lines 1-15, Col 68 lines 50-60, Col 69 lines 1-25); receiving the media asset in a media format compatible with the subscriber media device from content provider, wherein the media format is selected by the content provider based on the device profile information ((Abb) in at least Col 10 lines 30-40; wherein the prior art teaches explicitly two different formats, Col 36 lines 11-30); and receiving from the content provider media characteristics including the media format and fidelity, of the received media asset and a digital rights license key, the digital rights license key to authorize the requested usage rights ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16-28)

Although the prior art does not explicitly teach "profiles teaches two or more formats" the prior art does explicitly teach "received in a compressed format such as the .wav or .mpe format" and teaches that user require media data for various devices and purchase media in different format (i.e audio, video) which would make obvious to one or ordinary skill in the art at the time of the

inventions the limitations of the claim, as there is some teaching, suggestion, or

motivation in the prior art that would have led one of ordinary skill to modify the

prior art reference or to combine prior art reference teachings to arrive at the

claimed invention. See MPEP § 214 3

In reference to Claim 59:

Ab teaches:

(Previously Presented) The method of claim 8 (see rejection of claim 8

above), wherein the requested new usage rights include a right to store a

previously accessed media asset on a specified device ((Abb) col 4 lines 20-54,

Col 58 lines 43-49)

In reference to Claim 60:

The combination teaches:

(Previously Presented) The method of claim 8 (see rejection of claim 8

above), wherein the requested usage rights include a right to store a previously

accessed media asset in a specified format ((Abb) in at least Col 10 lines 30-42;

(Parks) in at least Col 9 lines 55-65)

7.   Claims 9 rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent No. 7,203,966 B2 by Abburi et al. (Abb) as applied to claim 8

above, and further in view of US Patent No. 7,054,416 B2 by Meyerson et al.

(Mey)

In reference to Claim 9:

Abb teaches:

(Previously Presented) The method of claim 8 (see rejection of claim 8 above), wherein, in response to receiving the usage rights request and the device profile information, ...resolution, fidelity, or bit rate to accommodate the usage right request.

Abb does not explicitly teach:

... the content provider adapts the media asset with regard to media format,...

Mey teaches:

... the content provider adapts the media asset with regard to media format,...((Mey) abstract; Col 11 lines 31-59).

Both Abb and Mey are directed toward providing various media formats. Mey teaches the motivation of users rely on a combination of communication devices and require media content to be compatible with the various devices. Abb teaches explicitly that different devices require different formatting on disparate devices. The prior art therefore provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3

8.   **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,066 B2 by Abburi et al. (Abb) as applied to claim 8 above, and further in view of Us Patent No. 6,822,663 B2 by Wang et al. (Wang)**

In reference to Claim 10:

Abb teaches:

(Previously Presented) A method of claim 8 (see rejection of claim 8 above), wherein a hosting service obtains the digital rights license key ... of the new digital rights license key ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16-28).

Abb does not explicitly teach

...and notifies the content provider of receipt ...

Wang teaches:

...and notifies the content provider of receipt ((Wang) Col 10 lines 9-11, Col 14 lines 62-65; wherein in Col 10 Wang teaches when action is done verification notice is sent; wherein Col 14 Wang teaches template includes copyright and content areas in quick message)

The combination teaches explicitly of the new license and key being sent to the user. Wang teaches a message acknowledging copyrights and content areas after adaption is made. A license is permission to use content areas. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to use a known technique to improve a similar method or

product in the same way.

9.   **Claims 16-18, 22-24 and 62 are rejected under 35 U.S.C. 103(a) as**

being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang)

in view of US Patent No. 7,213,005 B2 by Maurad et al (Mau) and further in

view of US Patent No. 6,832,259 B2 by Hymel et al. (Hy)

In reference to Claim 16:

Wang teaches:

        (Currently Amended) A system to provide a content brokerage service, the

system comprising: a content broker process server to: provide to a subscriber

access to the content brokerage service and access to a remote content provider

using a set of single sign-on credentials ((Wang) in at least FIG. 1 ,FIG. 2; Col 2

lines 32-40, Col 5 lines 49-61, Col 6 lines 55-67, Col 7 lines 1-5); send a device

profile associated with a subscriber media device of the subscriber to the remote

content provider ((Wang) in at least FIG. 5-FIG. 8; Col 9 lines 30-39, 44-49);

...wherein the set of usage rights validates permission to play the media asset at

a the subscriber media device; and a memory to store the device profile ((Wang)

FIG. 1, Fig. 2, Fig. 5; Col 5 lines 60-65, Col 6 lines 45-46, Col 8 lines 50-60) ...

Wang suggest:

...and receive from the remote content provider a license key to authorize a set of

usage rights associated with a media asset,...((Wang) Abstract; Col 2 lines 30-

40)... wherein the device profile includes information identifying a plurality of

media formats that are useable by the subscriber media device....((Wang) Col 5

lines 30-47, Col 8 lines 5-25, Col 11 lines 43-55, 60-67)

Mau teaches:

...and receive from the remote content provider a license key to authorize

a set of usage rights associated with a media asset,...((Mau) Col 12 lines 2-7, 25-

35, Col 14 lines 7-25, Col 22 lines 20-30)

Wang and Mau do not explicitly teach:

... information <u>indicating an amount of memory available at</u> subscriber

media device

Hy teaches:

... information <u>indicating an amount of memory available at</u> subscriber

media device ((Hy) in at least Col 1 lines 20-32)

Both Wang and Mau are explicitly directed toward providing media content

to authorized users. Mau teaches the motivation of licensing in order to authorize

media use, which provides some teaching, suggestion, or motivation in the prior

art that would have led one of ordinary skill to modify the prior art reference or to

combine prior art reference teachings to arrive at the claimed invention. See

MPEP § 214 3.

Both the combination and Hy are directed toward user devices receiving

data content. Hy teaches that it is old and well known with respect to certain

devices for providers to store device profiles in order to distribute services to the

user devices. Hy further teaches that it is old and well known for certain user

devices to have dynamic parameters, i.e. available memory and to manipulate

the data content in order to meet the dynamic parameters of the user device.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the prior art teaching according to known

methods as the prior art provides some teaching, suggestion, or motivation in the

prior art that would have led one of ordinary skill to modify the prior art reference

or to combine prior art reference teachings to arrive at the claimed invention .

See MPEP § 214 3. Furthermore, the prior art provides obviousness as known

work in one field of endeavor may prompt variations) of it for use in either the

same field or a different one based on design incentives (dynamic variables)or

other market forces if the variations are predictable to one of ordinary skill in the

art

In reference to Claim 17:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above),

wherein the content broker process server facilitates distribution of the license

key and the media asset to the subscriber media device ((Wang) Col 14 lines 60-

65).

Wang does not explicitly teach:

    ... distribution of the license key and the media asset to the subscriber

media device

Mau teaches:

... distribution of the license key and the media asset to the subscriber

media device,...((Mau) Col 12 lines 2-7, 25-35, Col 14 lines 7-25, Col 22 lines 20-

30).

(see rationale supporting obviousness and motivation to combine of claim 16

above)

In reference to Claim 18:

The combination teaches:

(Previously Presented) The system of claim 17 (see rejection of claim 17

above), wherein the content broker...

The combination teaches:

...process server facilitates the distribution of the license key and the

media asset by sending a request to the remote content provider, wherein the

request instructs the remote content provider to send the license key and the

media asset to the subscriber media device

Mau teaches:

...process server facilitates the distribution of the license key and the

media asset by sending a request to the remote content provider, wherein the

request instructs the remote content provider to send the license key and the

media asset to the subscriber media device ((Mau) Col 16 lines 19-26, Col 10

lines 19-20, 23-28, Col 12 lines 2-7, 25- 35, Col 14 lines 7-25, Col 22 lines 20-30,

Col26 lines 10-20, Col 30 lines 35-60, Col 39 lines 57-67, Col 46 lines 65-67, col

47 lines 1-19, col 50 lines 11-28, Col 78 lines 40-60)

Both the combination and Mau are explicitly directed toward providing

media content to authorized users. Mau teaches the motivation of licensing in

order to authorize media use, which provides some teaching, suggestion, or

motivation in the prior art that would have led one of ordinary skill to modify the

prior art reference or to combine prior art reference teachings to arrive at the

claimed invention. See MPEP § 214 3.

In reference to Claim 22:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16

above), wherein the device profile information includes a memory address to

identify a free memory block to store distributed content data ((Wang) FIG. 1,

FIG. 2; Col 6 lines 47- 56, Col 9 lines 66-67, Col 10 lines 2-10).

In reference to Claim 23:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16

above), wherein the memory is further to store content asset information within a

media asset table, the content asset information including an indicator specifying

media format of one or more media assets authorized for use by the subscriber

((Wang) FIG. 1, FIG. 2, FIG. 5; FIG. 10, Col 10 lines 13-25, 50- 52, Col 5 lines

60-65, Col 6 lines 45-46, Col 8 lines 50-60).

In reference to Claim 24:

The combination teaches:

(Previously Presented) The system of claim 23 (see rejection of claim 23 above), wherein the content asset information stored in the media asset table further includes purchase data ((Wang) abstract, Col 2 lines 55-60, Col 6 lines 46-55).

In reference to Claim 62:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the set of usage rights comprises a right to store (copy) the media asset in a specified format of the plurality of media formats that are useable by the subscriber media device((Wang) abstract, Col 2 lines 55-60, Col 6 lines 46-55)

10.   **Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) and in view of US Patent No. 7,213,005 B2 by Maurad et al (Mau), US Patent No. 6,832,259 B2 by Hymel et al. (Hy) as applied to claims 16 and 21 above; and further In view of US Patent No. 7,028,340 B1 by Kamada et al. (Kam) in view of US Patent No. 7461142 B2 by Wadekar (Wade)**

In reference to Claim 50:

The combination teaches:

(Currently Amended) The system of claim 16 (see rejection of claim 16 above),

The combination does not teach:

...wherein the device profile information further includes <u>one or more of a</u> <u>media access control (Mac) address</u> of the subscriber media device <u>and a serial</u> <u>number of the subscriber media device</u>.

Wade teaches:

... includes <u>one or more of</u> a <u>media access control (Mac) address</u> of the subscriber media device ((Wade) in at least abstract; Col 1)

Kam teaches:

...<u>a serial number of the subscriber media device</u> ((Kam) in at least FIG. 2; Col 4 lines 63-67-Col 5 lines 1-7).

Both the combination and Kam are explicitly directed toward controlling content on various devices. Kam teaches identifying devices with respect to the licensing of the device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a known technique to improve similar devices (methods, or products) in the same way.

Both the combination and Wade are directed toward communication networks comprising numerous network devices interconnected by communications media, which incorporates relaying and/or routing information to the various devices. The prior art Wade teaches that it is typical (i.e. old and well known) with respect to direct data in a computer network to rely on routing and/or

address tables (i.e. Mac address) to send data to correct destinations.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the prior art teaching as known work in one field

of endeavor may prompt variations of it for use in either the same field or a

different one based on design incentives or other market forces if the variations

are predictable to one of ordinary skill in the art.

11.   Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent No. 6,822,663 B2 by Wang et al. (Wang) and in view of US

Patent No. 7,213,005 B2 by Maurad et al (Mau), US Patent No. 6,832,259 B2

by Hymel et al. (Hy) as applied to claim 16 above; and further In view of US

Patent No. 7,203,066 B2 by Abburi et ah (Abb)

In reference to Claim 51:

The combination teaches:

        (Previously Presented) The system of claim 23 (see rejection of claim 23

above), wherein the content asset information further includes, for each of the

one or more media assets, a media asset identity, a media asset title, and a

media asset category.

12.   **Claims 57 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over US Patent No. 6,362,863 B1 by Shaw et al. (Shaw), and US Patent No.

7,213,005 B2 by Maurad et al (Mau) and as applied to claim 1 above, US

Patent No. 6,822,663 B2 by Wang et al. (Wang)

In reference to Claim 57:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see

rejection of claim 1 above), wherein the device profile table further includes...

The combination does not explicitly teach:

... device portability information

Wang teaches:

... device portability information ((Wang) Col 2 lines 30-40)

The combination teaches disparate formatting requires for specific devices

and teaches keys available for the multiple devices. The combination teaches a

metadata template the includes data fields required by end-user devices. Wang

teaches that many devices do not have the capability of other devices ((Wang)

Col 1 lines 39-41). Wang teaches a graphical layout to display a number of

device types and then list of device names for the user to chose from ((Wang)

Col 9 lines 30-35, 45-49). The combination teaches a database that is user

accessible provided by the Content Provider to retrieve as much data as possible

((Mau) Col 61 lines 20-21), where the Content provider can tailor the template to

identify the types data the Content provider can provide the end-user ((Mau) Col

61 lines 24-26). The combination teaches explicitly that the user condition

definitions in Col 62 lines 20- 51, which includes what kinds of media the user

can use the copies on. Wang is teaches the motivation of optimizing the source

content according to the capacities of the device and teaches a need for a

system that allows translation across multiple computer devices for greater

convenience. Therefore, it would have been obvious to one of ordinary skill in the

art at the time of the invention to expand the combination teachings with the

teachings of Wang in order to optimize the source content with the user devices.

13.   Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent No. 6,362,863 B1 by Shaw et al. (Shaw), and US Patent No.

7,213,005 B2 by Maurad et al (Mau) as applied to claim 1 above, and further

in view of US Patent No. 7,203,066 B2 by Abburi et al. (Abb).

In reference to Claim 58:

The combination teaches:

        (Previously Presented) The content broker system of claim 1 (see

rejection of claim 1 above), wherein the device profile table further includes

information related to whether a specified subscriber media device includes

((Shaw) in at least FIG. 2, FIG. 4; Col 3 lines 50-63, Col 4 lines 15-25, 45-50, Col

5 lines 5-20, 55-67, Col 9 lines 1-9, 30-54, Col 10 lines 1-10)

The combination does not explicitly teach:

        ... a removable memory

Abb teaches:

... a removable memory ((Abb) Col 7 lines 27-35)

Abb is explicitly teaches licenses synchronized for multiple user devices.
As taught by the combination each separate user device not of the same type
requires different media formats and teaches of a need for the media data to be
formatted for specific device types. Additionally, Wang teaches the motivation to
optimize the source content according to the capabilities of the selected device
and the flexibility of utilizing content across multiple devices. Therefore, it would
have been obvious to one of ordinary skill in the art at the time of the invention to
include in the teachings of Abb which teach using multiple diverse devices the
teachings of Wang to optimized media formats for separate user devices.

**14.   Claims 61 are rejected under 35 U.S.C. 103(a) as being unpatentable
over US Patent No. 6,822,663 B2 by Wang et al. (Wang) and US Patent No.
7,213,005 B2 by Maurad et al (Mau), in view of US Patent No. 6,832,259 B2
by Hymel et al. (Hy)as applied to claim 16 above and further in view of US
Patent No. 7,203,066 B2 by Abburi et al (Abb).**

In reference to Claim 61:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16
above), wherein the set of usage rights...

The combination does not explicitly teach:

... comprises a right to store (copy) the media asset on a the subscriber

media device ((Abb) Col 2 lines 55-64, Col 3 lines 1-10)

Both the combination and Abb are explicitly directed toward accessing source

material for computer device. The combination teaches explicitly of source

material and devices needing to be compatible. Abb teaches device identifiers to

coordinate with license to control source access within the criteria of the provider.

The combination teaches limited accessibility to protect the rights of the source

provider. Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the teachings the combination and Abb to

further provide access to the source material.

Conclusion

15.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. US Patent No. 7,155,497 B2 by Grover et al. is cited for

teaching MAS for portable device configuration.

16.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

17.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to MARY GREGG whose telephone number is

(571)270-5050. The examiner can normally be reached on 4/10.

        If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, James Trammell can be reached on 5712726712. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

18.   Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/M. G./
Examiner, Art Unit 3694

/Shahid R Merchant/

Primary Examiner, Art Unit 3694